

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SOKOLSKYFILM INC.,

9 Plaintiff,

10 v.

11 THE SORRENTO HOTEL
12 PARTNERSHIP,

Defendant.

C24-1702 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff filed a Notice of Voluntary Dismissal (“Notice”), docket no. 13,
16 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Under that rule, a plaintiff
17 may dismiss an action without a court order by filing a notice of dismissal “before the
18 opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ.
P. 41(a)(1)(A)(i). Once a defendant serves an answer or a motion for summary judgment,
however, the plaintiff may no longer voluntarily dismiss under Rule 41(a)(1)(A)(i). See
Langere v. Verizon Wireless Servs., LLC, 983 F.3d 1115, 1118 n.2 (9th Cir. 2020);
Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997).

19 Defendant served an answer on Plaintiff, see Answer at 10 (docket no. 10), and
20 Defendant did not sign the Notice. Accordingly, the Notice fails to meet the
21 requirements of either Rule 41(a)(1)(A)(i) or (ii). See Allstate Vehicle & Prop. Insurance
Co. v. Richardson, 2024 WL 5008859, at *1 (E.D. Wash. Dec. 6, 2024). However,
22 Plaintiff’s Notice of Voluntary Dismissal, docket no. 13, will be treated as a motion to
23 dismiss under Rule 41(a)(2). Pursuant to that Rule, “an action may be dismissed at the
plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R.
Civ. P. 41(a)(2). Defendant may respond to Plaintiff’s Notice of Voluntary Dismissal. If

1 the Court receives no response or Defendant does not object by May 23, 2025, the Court
2 will enter an order dismissing this case with prejudice.

3 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
4 record.

5 Dated this 13th day of May, 2025.

6 Ravi Subramanian
7 Clerk

8 s/Laurie Cuaresma
9 Deputy Clerk